IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.741 OF 2002
IN
L.A.R. NO.2 OF 1995

The State of Maharashtra ..Appellant.
Vs.
Mr.Ganesh Ramchandra Naik & Ors. ..Respondents.

Ms.P.H.Kantharia, A.G.P. for the Appellant/State.

CORAM : J.H.BHATIA, J.
DATE : JULY 27, 2007.

P.C.:

1. Heard Ms.Kantharia the learned A.G.P. for the State. Perused the impugned judgment passed by the Reference Court. On the basis of Notification issued on 4-2-1970 under Section 4 and subsequent Notification under Section 6 of the Land Acquisition Act, land admeasuring 15,984 sq.m. situated at Village:Khairane belonging to the respondents was acquired for planned development and utilisation of the lands in Trans-Thane creek for industrial, commercial and residential purposes. The Special Land Acquisition Officer awarded compensation at the rate of Rs.5/- per sq. mtr. In reference under Section 18, the claimants/respondents contended that the compensation was too low and taking into consideration the potentiality of the increase in the prices and its use, compensation should have been granted at the rate of Rs.10/- per square meter. After

hearing the parties the learned Joint District Judge, Thane granted enhanced compensation at the rate of Rs.10/- per square meter and thus, the respondents were to get additional amount of Rs.79,920/- towards the difference in value of land with other consequential benefits.

2. The State has preferred this appeal against the enhancement.

3. The learned Joint District Judge noted that according to the claimants/respondents, the land was being used for paddy crops and in other three land references bearing nos.9 of 1985, 7 of 1985 and 7 of 1986, the Court had already granted enhanced compensation at the rate of Rs.10/- per sq. mtr. In another reference filed by one Raghunath, compensation was enhanced to Rs.13/- per sq. mtr. That land was situated at a short distance from the land of respondents. The learned Joint District Judge also noted that in the nearby area great development had taken place and markets, schools, colleges, hospitals and industries were established and by the time he passed the judgment on 13th June, 1997, market value had gone up to Rs.3,000 to Rs.4,000/- per square metre. Admittedly, in that area New Bombay has been established where the prices of the property has sky

rocketed. Taking into consideration these circumstances, the grant of enhanced compensation at the rate of Rs.10/- per square meter does not appear to be excessive. I find no substance in the appeal.

4. Therefore, appeal stands dismissed summarily.

[J.H.BHATIA, J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.658 OF 2007
IN
CIVIL APPLICATION NO. 659 OF 2007
IN
CIVIL APPLICATION NO.3080 OF 2000
IN
FIRST APPEAL NO.741 OF 2002
IN
L.A.R. NO.2 OF 1995

The State of Maharashtra ..Applicant.
Vs.
Mr.Ganesh Ramchandra Naik & Ors. ..Respondents.

Ms.P.H.Kantharia, A.G.P. for the Applicant/State.

CORAM : J.H.BHATIA, J.
DATE : JULY 27, 2007.

P.C.:

1. As the First Appeal No.741 of 2002 itself has been dismissed, these applications donot survive and stand disposed off accordingly.

(J.H.BHATIA, J.)